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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION

OF: KOLTER ET AL.

SERIAL No. 09/873,431

FILED: JUNE 05, 2001

FOR: A PROCESS FOR PRODUCING SOLID ORAL DOSAGE FORMS WITH
SUSTAINED RELEASE OF ACTIVE INGREDIENT

Honorable Commissioner
for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER CONCERNING

U.S. PATENT No. 6,635,279

Sir:

Your Petitioner, BASF Aktiengesellschaft, a corporation of Germany, having a place of business at 67056 Ludwigshafen, is the Assignee of the entire right, title and interest in and to pending U.S. Application Serial No. 09/873,431, filed June 05, 2001, the assignment recorded in the Patent and Trademark Office on Reel 011880 Frame 0946, filed June 05, 2001.

Your Petitioner, by undersigned attorney, hereby disclaims the terminal part of any patent granted application Serial No. 09/873,431 which would extend beyond the expiration date of U.S. Patent No. 6,635,279, which patent is also owned by Petitioner.

Your petitioner hereby agrees that any patent based on application Serial No. 09/873,431 shall be enforceable only for and during such period that the legal title of such patent shall be the same as the legal title to U.S. Patent No. 6,635,279, this agreement to run

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with any patent granted on application Serial No. 09/873,431, to be binding upon the grantee, its successors or assigns.

Petitioner also states that the invention disclosed and claimed in application Serial No. 09/873,431 and the invention disclosed and claimed in U.S. Patent No. 6,635,279 were commonly owned when the invention disclosed and claimed in the present application was made.

Petitioner further states that the evidentiary documents relating to the ownership of application Serial No. 09/873,431 and U.S. Patent No. 6,635,279 have been reviewed and Petitioner certifies that to the best of its knowledge and belief, title is in Petitioner.

The undersigned has reviewed the documents in the chain of title of the U.S. application identified above and, to the best of undersigned's knowledge and belief, title is in the Assignee identified above.

This Terminal Disclaimer executed on behalf of the Assignee by undersigned attorney of record, this 07th day of March, 2005.



(Herbert B. Keil)

(Reg. No. 18,967)

1300 Eye Street, N.W.
Suite 400 East
Washington, D.C. 20005
(202) 659-0100

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